

9 FAM 40.31 EXHIBIT I TECHNOLOGY ALERT LIST

(CT:VISA-814; 06-13-2006)

INTRODUCTION

The Technology Alert List (*TAL*) is provided as guidance for *you* in adjudicating visa cases potentially falling within the purview of INA 212(a)(3)(i)(II). This section of the INA renders ineligible any alien who a consular officer or *Department of Homeland Security (DHS) officer* knows or has reasonable ground to believe is seeking entry to engage solely, principally, or incidentally in any activity to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information. *You* should be particularly alert to the possible applicability of this ground of ineligibility to aliens who are coming to engage in an activity involving one of the scientific or technical fields on the *TAL*. Such activity includes graduate-level studies, teaching, conducting research, participating in exchange programs, receiving training or employment, or engaging in commercial transactions.

BACKGROUND

In response to concern over the illegal transfer of controlled technology, a process evolved during the Cold War to screen suspect visa cases. In January 1998, the VISAS MANTIS program was developed due to law enforcement/intelligence community concern that U.S.-produced goods and information are vulnerable to theft on a worldwide basis. Cases that posts formerly may have flagged for review using a SPLEX, CHINEX or VIETEX indicator, must now be flagged using the VISAS MANTIS indicator, a pre-check name-check procedure designed for worldwide application. The primary program security objections are:

- (1) To prevent the proliferation of weapons of mass destruction and missile delivery systems;
- (2) To restrain the development of destabilizing conventional military capabilities in certain regions of the world;
- (3) To prevent the transfer of arms and sensitive dual-use items to terrorists and states that sponsor terrorism; and
- (4) To maintain U.S. advantages in certain militarily critical technologies.

PROCEDURES

Visa issuing posts must submit a VISAS MANTIS *SECURITY ADVISORY OPINION* to process all visa cases that fall under the purview of INA 212(a)(3)(i)(II).

ROLE OF THE TECHNOLOGY ALERT LIST (TAL)

You should bear in mind that while the TAL is a valuable tool for recognizing possible illegal technology transfer, it is not an exclusive mechanism for identifying such cases. There will be occasions where *you* have reason to believe that an applicant may fall within the purview of INA 212(a)(3)(i)(II) despite his or her having no direct connection with a scientific or technical field included on the TAL. *You* must submit such cases for security advisory opinions using the "VISAS DONKEY" code indicator (see 9 FAM 40.31 N3).

REVISION OF TECHNOLOGY ALERT LIST (TAL)

*The TAL is **Sensitive But Unclassified (SBU)**, and it can be found on the Office of Directives Management Classnet site, as well as the Consular Affairs Classnet site.* It is vital **it not/not** be posted on the public internet, be provided to non *U.S. Government* personnel, or otherwise reach public domain. *Posts should refer to 9 FAM Appendix G* for updated guidance on using the TAL for VISAS MANTIS cases.